IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

WP(C).No. 31849 of 2006(N)

PETITIONER:

1. MR.S.CHIMANLAL,
   PROPRIETOR, M/S. KAMAL TEX, DOOR NO.78,
   2ND FLOOR, D.D.BAZAR, GOPALAPRABHU ROAD,ERNAKULAM.

2. MR.C.MAHESH, S/O.S.CHIMANLAL,
   AGED 33, RESIDING AT AMBALATHINGAL HOUSE,
   SCHOOL PADI, VADUTHALA, KOCHI-23.

3. MR.C.KAMAL, S/O.S.CHIMANLAL,
   AGED 31 YEARS, RESIDING AT AMBALATHINGAL HOUSE,
   SCHOOL PADI, VADUTHALA, KOCHI-23.

BY ADV. SRI.BIJU HARIHARAN

RESPONDENTS:

1. THE SOUTH INDIAN BANK LTD.,
   MARKET ROAD, ERNAKULAM, REPRESENTED BY ITS MANAGER

2. THE DEBTS RECOVERY TRIBUNAL, ERNAKULAM.

3. THE AUTHORISED OFFICER,
   SOUTH INDIAN BANK LTD., ERNAKULAM.

R1 & R3 BY ADV. SRI.K.K.JOHN
R2 BY GOVT.PLEADER SRI D.P.RENU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1 TRUE COPY OF THE MEMORANDUM IN SA 70/06 PENDING BEFORE THE 2ND RESPONDENT.

EXT.P2 TRUE COPY OF THE NOTICE DTD. 20/10/2006 ISSUED BY THE 3RD RESPONDENT.

EXT.P3 TRUE COPY OF IA.NO.1699/06 PENDING BEFORE THE 2ND RESPONDENT.

P.R.RAMAN,J.

W.P.(C).NO.31849 OF 2006

Dated this the 22nd day of January, 2007

JUDGMENT

The limited prayer made in this writ petition is for a writ of mandamus or other appropriate direction to the 1st and 3rd respondents not to proceed with the sale proceedings initiated by them on the basis of Ext.P2 sale notice, till I.A.No.1699/06 (Ext.P3 stay application) is considered by the 2nd respondent.

2. This Court granted stay of confirmation and it was extended from time to time.

3. Heard both sides.

4. Since the petitioner has filed an appeal before the Debts Recovery Tribunal and also preferred stay application, I.A.No.1699/06, it is for the Tribunal to consider the stay

application and dispose of the same in accordance with law, as expeditiously as possible, at any rate, within a period of one month from the date of production of a copy of this judgment. The interim stay granted by this Court will continue till then and thereafter the matter will be governed by any orders that may be passed by the Tribunal.

Writ Petition is disposed of as above.

Petitioner shall produce a copy of this judgment before the Tribunal for information and compliance.

P.R.RAMAN,
Judge.

kcv.